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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,918	03/10/2004	William M. Kurple	45251/46700	3265
21888	7590	10/28/2005		
THOMPSON COBURN, LLP ONE US BANK PLAZA SUITE 3500 ST LOUIS, MO 63101				
			EXAMINER NGUYEN, HUNG T	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,918

Applicant(s)

KURPLE ET AL.

Examiner

HUNG T. NGUYEN

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/21/04 & 11/18/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krush et al. (U.S. 5,727,835).

Regarding claim 1, Krush discloses an alarm security system (64) coupled to a toolbox (26) which is located in a pick up truck (20) for monitoring a theft at all time as tampering the toolbox in any means [figs.1,4-5, col.1, line 46 to col.2, 37, col.3, lines 7-64 and col.5, lines 23-25] comprising:

- the alarm security system having at least two switches (66,68) coupled to latch device (58) for detecting a tampering or forced entry from theft or unauthorized person to the tool box [fig.5, col.2, lines 20-37, col.3, lines 45-64, col.4, lines 31-60];
- a circuit having a alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25];

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- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

The reference of Krush does not specifically mention a trip sensor, first condition, second condition as claimed by the applicant.

However, Krush teaches a lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Krush includes a lock mechanism is disclosed above for monitoring the lid of the tool box at all time as preventing unauthorized person to tamper it in any mean.

Regarding claims 2-3, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a

solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

Regarding claim 4, Krush teaches the alarm security system (64) is powering by a battery device (34) and also power to the alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, abstract, col.3, lines 8-17, lines 45-64].

Regarding claims 5-7, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25].

The reference of Krush does not specifically mention the switch connected in series, the trip sensor comprises reed switch or magnetic switch as claimed by the applicant because those limitations are old and well known in the art, because the

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switches can be any type without limited and also that is an obvious design choice of the skilled artisan.

Regarding claims 8-10, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25].

Regarding claims 11-13, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

- the alarm security system (64) is powering by a battery device (34) and also power to the alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, abstract, col.3, lines 8-17, lines 45-64].

Regarding claim 14, Krush discloses an alarm security system (64) coupled to a container / toolbox (26) which is located in a pick up truck (20) for monitoring a theft at all time as tampering the toolbox in any means [figs.1,4-5, col.1, line 46 to col.2, 37, col.3, lines 7-64 and col.5, lines 23-25] comprising:

- the alarm security system having at least two switches (66,68) coupled to latch device (58) for detecting a tampering or forced entry from theft or unauthorized person to the tool box [fig.5, col.2, lines 20-37, col.3, lines 45-64, col.4, lines 31-60];
- a circuit having a alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25];
- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

The reference of Krush does not specifically mention a trip sensor, first condition, second condition as claimed by the applicant.

However, Krush teaches a lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Krush includes a lock mechanism is disclosed above for monitoring the lid of the tool box at all time as preventing unauthorized person to tamper it in any mean.

Regarding claims 15-16, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

Regarding claim 17, Krush teaches the alarm security system (64) is powering by a battery device (34) and also power to the alarm signals as audible / horn (36) and visual

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signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, abstract, col.3, lines 8-17, lines 45-64].

Regarding claims 18-20, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25].

The reference of Krush does not specifically mention the switch connected in series, the trip sensor comprises reed switch or magnetic switch as claimed by the applicant because those limitations are old and well known in the art, because the switches can be any type without limited and also that is an obvious design choice of the skilled artisan.

Regarding claims 21-24, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25].

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Regarding claim 25, Krush teaches the alarm security system (64) is powering by a battery device (34) and also power to the alarm signals as audible / horn (36) and **visual signal (38)** to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, abstract, col.3, lines 8-17, lines 45-64].

Regarding claim 26, Krush discloses a method of an alarm security system (64) coupled to a container / toolbox (26) which is located in a pick up truck (20) for monitoring a theft at all time as tampering the toolbox in any means [figs.1,4-5, col.1, line 46 to col.2, 37, col.3, lines 7-64 and col.5, lines 23-25] comprising:

- the alarm security system having at least two switches (66,68) coupled to latch device (58) for detecting a tampering or forced entry from theft or unauthorized person to the tool box [fig.5, col.2, lines 20-37, col.3, lines 45-64, col.4, lines 31-60];
- a circuit having a alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25];
- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

The reference of Krush does not specifically mention a meaning of trip, trip condition and trip position second as claimed by the applicant.

However, Krush teaches a lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a **tampering or forced entry** from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to **open a lid (44) of the tool box (26) in any means** [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the system of Krush includes a lock mechanism is disclosed above for monitoring the lid of the tool box at all time as preventing unauthorized person to tamper it in any mean.

Regarding claims 27-32, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any

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means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

Regarding claims 33-35, Krush discloses an alarm security system (64) coupled to a container / toolbox (26) which is located in a pick up truck (20) for monitoring a theft at all time as tampering the toolbox in any means [figs.1,4-5, col.1, line 46 to col.2, 37, col.3, lines 7-64 and col.5, lines 23-25] comprising:

- the alarm security system (64) is powering by a battery device (34) and also power to the alarm signals as audible / horn (36) and **visual signal (38)** to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, abstract, col.3, lines 8-17, lines 45-64];
- the alarm security system having at least two switches (66,68) coupled to latch device (58) for detecting a tampering or forced entry from theft or unauthorized person to the tool box [fig.5, col.2, lines 20-37, col.3, lines 45-64, col.4, lines 31-60];
- a circuit having a alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25];
- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

The reference of Krush does not specifically mention a first position, second position of the switch as claimed by the applicant.

However, Krush teaches a lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a **tampering or forced entry from theft or unauthorized person to the tool box in any means** [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to **open a lid (44) of the tool box (26) in any means** [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Krush includes a lock mechanism is disclosed above for monitoring the lid of the tool box at all time as preventing unauthorized person to tamper it in any mean.

Regarding claims 36-37, Krush discloses an alarm security system (64) coupled to a container / toolbox (26) which is located in a pick up truck (20) for monitoring a theft at all time as tampering the toolbox in any means [figs.1,4-5, col.1, line 46 to col.2, 37, col.3, lines 7-64 and col.5, lines 23-25] comprising:

- the alarm device (64,36,38) having a housing is inherently means [figs.1,5, abstract, col.3, lines 8-17, lines 45-64];

- the alarm security system (64) is powering by a battery device (34) and also power to the alarm signals as audible / horn (36) and **visual signal (38)** to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, abstract, col.3, lines 8-17, lines 45-64];
- the alarm security system having at least two switches (66,68) coupled to latch device (58) for detecting a tampering or forced entry from theft or unauthorized person to the tool box [fig.5, col.2, lines 20-37, col.3, lines 45-64, col.4, lines 31-60];
- a circuit having a alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25];
- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

The reference of Krush does not specifically mention a first position, second position of the switch as claimed by the applicant.

However, Krush teaches a lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a **tampering or forced entry from theft or unauthorized person to the tool box in any means** [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

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- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to **open a lid (44) of the tool box (26) in any means** [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

Therefore, it would have been obvious to one having ordinary skill in the art to have the system of Krush includes a lock mechanism is disclosed above for monitoring the lid of the tool box at all time as preventing unauthorized person to tamper it in any mean.

Regarding claims 38-41 & 43-44, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person to the tool box in any means [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25]; and

- the alarm control module couple to alarm signals as audible / horn (36) and visual signal (38) to the driver as the theft tried to open a lid (44) of the tool box (26) in any means [figs.1,5, col.2, lines 20-37, col.3, lines 8-17, lines 45-64, col.4, lines 30-60 and col.5, lines 23-25].

Regarding claim 42, Krush teaches the lock mechanism as the alarm control module communicates with the switches (66,68), latch device (58), lock (76) operated by a solenoid (78) for detecting a tampering or forced entry from theft or unauthorized person

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to the tool box in any [fig.5, col.2, lines 20-37, col.3, line 45 to col.4, line 60 and col.5, lines 23-25].

The reference of Krush does not specifically mention the switch connected in series as claimed by the applicant because those limitations are old and well known in the art, because the switches can be any type without limited and also that is an obvious design choice of the skilled artisan.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Champion (U.S. 6,276,735) Toolbox with built in roll top tonneau cover.
- Young (U.S. 6,474,521) Multi compartment storage chest for vehicles.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN
PRIMARY EXAMINER**

A handwritten signature in cursive script that reads "Hung Nguyen".

Examiner: Hung T. Nguyen

Date: Oct. 25, 2005